

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

MYNOR PINEDA AND JOSE GUADALUPE)	
MARTINEZ , on behalf of themselves, and)	
all other plaintiffs similarly situated,)	
known and unknown,)	
)	
Plaintiffs)	No. 14 cv 0011
)	
v.)	Honorable Judge Blakey
)	
RAYMOND’S TACOS, A/K/A RAYMOND’S)	
HAMBURGERS AND TACOS, AND ELVA)	
LOPEZ, INDIVIDUALLY,)	
)	
Defendants)	
)	

**PLAINTIFFS’ MOTION TO ENFORCE SETTLEMENT
AND FOR CONFESSION OF JUDGMENT**

NOW COME Plaintiffs, Mynor Pineda and Jose Guadalupe Martinez, through their attorney John W. Billhorn, and for their Motion To Enforce Settlement and For Confession Of Judgment, states as follows:

1. On January 2, 2015 Plaintiffs filed their claim against Defendants under the Fair Labor Standards Act and corresponding state statutes.
2. After arm’s length negotiations, on November 30, 2015 the parties reported to this Court that a settlement agreement was reached.
3. On November 30, 2015 this Court entered an Order dismissing the case without prejudice. To accommodate an anticipated payment schedule, the Court’s Order stipulated the dismissal of this case would be without prejudice until March 11, 2016 and would thereafter convert into a dismissal with prejudice. Plaintiff was given leave to reinstate for the purposes of enforcing the payment terms of the settlement agreement.

4. Defendants have failed to comply with the terms of the settlement agreement to wit: Defendants have failed to make their initial installment by January 1, 2016 pursuant to the terms of the settlement agreement. Furthermore, Defendants' counsel has, up until the filing of this Motion, provided no substantive updates on status of payment to Plaintiffs, with the last request from Plaintiffs' counsel to defense counsel on January 6, 2016 at 10:30am.

5. The Settlement Agreements between the Parties (attached hereto as Exhibit A and B) stipulate that if all payments were not made per the terms of the Agreement, Plaintiffs "may petition the Court for a Confession of Judgment, said petition not to be contested or challenged, and said Confession of Judgment shall be in an amount equal to any and all unpaid amounts, plus an additional \$2,500 as and for default penalties. In the event that Plaintiffs are required to take any action whatsoever . . . Plaintiffs shall be entitled to [their] reasonable attorneys' fees and costs incurred with such action". To date, Defendants owe Plaintiffs the following amount per the terms of the settlement agreement plus the \$2,500 in penalty for a total of:

Guadalupe Martinez	\$ 21,227.00
Mynor Pineda	\$ 9,063.00
Attorney Fees	\$ 12,220.60
Penalty	\$ 2,500.00
TOTAL AMOUNT DUE	\$ 45,010.60

6. Furthermore, as a result of the necessity of filing this Motion, Plaintiff's counsel John W. Billhorn has incurred an additional \$750.00 in attorney fees (1.5 hours at \$500 per hours).

7. Additionally, as provided for in the Settlement Agreement, Plaintiffs are entitled to the reasonable attorney's fees incurred as a result of any and collection efforts that are necessary to enforce the terms of said Agreement. Plaintiffs specifically reserve the right to Petition the Court for reimbursement of said reasonable attorney's fees at the conclusion of the necessary collection efforts.

WHEREFORE, Plaintiffs respectfully requests this Court to enter an order granting their Motion To Enforce Settlement and Confession of Judgment in the amount of \$45,760.60; and for such other relief as the Court deems appropriate under the circumstances.

Respectfully Submitted,

Electronically Filed 01/18/2015

s/ John W. Billhorn
John W. Billhorn
Attorney for Plaintiffs

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